

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

JANE DOE (S.C.), an individual
Plaintiff,

CIVIL ACTION NO: 23-451

v.

THE SHERATON, LLC, STARWOOD
HOTELS & RESORTS WORLDWIDE,
INC., AND LOUISIANA HOTEL
CORPORATION d/b/a SHERATON
ALBUQUERQUE UPTOWN,
Defendants

RESPONSE TO ORDER TO SHOW CAUSE

In response to the Court's Order to Show Cause (Doc. No. 3) issued on May 25, 2023, and pursuant to Federal Rule of Civil Procedure 10(a), Plaintiff hereby respectfully requests that this Court enter an order permitting the Plaintiff's Original Complaint alleging unlawful human trafficking for sexual exploitation to be filed under the pseudonym Jane Doe (S.C.) v. The Sheraton, LLC, *et al.*

Federal Rule of Civil Procedure 10(a) provides that "[t]he title of the complaint must name all the parties." However, a party may proceed anonymously in judicial proceedings "in special circumstances when the party's need for anonymity outweighs prejudice to the opposing party and the public's interest in knowing the party's identity." *Does I Thru XXIII v. Advanced Textile Corp.*, 214 F.3d 1058, 1068 (9th Cir. 2000). Use of a pseudonym may be appropriate "when anonymity is necessary to preserve privacy in a matter of sensitive and highly personal nature." *Id.* (internal quotation omitted). Here, Plaintiff's claim involves her history as a victim of human trafficking and sexual assault, a subject matter clearly of sensitive and highly personal nature. Courts have routinely recognized the importance of allowing victims of sexual assault to maintain their privacy.

See *Jordan v. Gardner*, 986 F.2d 1521, 1525 n.4 (9th Cir. 1993) (“In keeping with the tradition of not revealing names of the victims of sexual assault, we use initials here to protect the privacy of the inmates.”); *SB v. Comm’r of SSA*, 2021 U.S. Dist. LEXIS 7896 (D. Ariz. Jan. 15, 2021); *Doe v. United Airlines, Inc.*, 2018 WL 3997258, at *2 (D. Nev. 2018) (“District Courts within the Ninth Circuit uniformly allow plaintiffs alleging sexual assault to proceed under pseudonyms.” (internal quotation omitted)); see also *Doe v. El Paso Cty. Hosp. Dist.*, No. EP-13-CV-00406-DCG, 2015 WL 1507840, at *4 (W.D. Tex. Apr. 1, 2015) (“The Court finds instructive another line of cases in which the nature of the allegations sometimes warrants anonymity—those involving the sexual assault of the plaintiff.” (citing cases)); *Doe No. 2 v. Kolko*, 242 F.R.D. 193, 195 (E.D.N.Y. 2006) (“[S]exual assault victims are a paradigmatic example of those entitled to a grant of anonymity.”).

Plaintiff’s interest in protecting her privacy outweighs the public’s interest in knowing her identity. Although the public has an interest in knowing the identities of the parties to the case, see *Advanced Textile*, 214 F.3d at 1068, the public also “generally has a strong interest in protecting the identities of sexual assault victims so that other victims will not be deterred from reporting such crimes,” *Doe v. Penzato*, No. CV10-5154 MEJ, 2011 WL 1833007, at *3 (N.D. Cal. May 13, 2011) (quoting *Kolko*, 242 F.R.D. at 195).

Many sex trafficking victims such as Plaintiff serve as key witnesses in the trials of their pimps and other criminals involved in their trafficking. Putting Plaintiff’s identity in the public domain exposes her to great risk of retribution from her pimp(s), johns, and others with an interest in keeping her silent and exposes her to potential ridicule and shame from those that learn of her exploitation.

In sum, the need to protect Plaintiff's privacy and safety during this lawsuit outweighs the public's interest in knowing her identity. As such, Plaintiff requests that this Court grant her leave to proceed under a pseudonym.

Dated: May 25, 2023

Respectfully submitted,

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